



PATENT APPLICATION

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q76217

Kenji TSUKADA

Appln. No.: 10/601,200

Group Art Unit: 2853

Confirmation No.: 6413

Examiner: Ly T. TRAN

Filed: June 23, 2003

For: LIQUID EJECTING APPARATUS AND METHOD FOR CLEANING THE SAME

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT
WITH STATEMENT OF SUBSTANCE OF THE INTERVIEW**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner has identified the application as containing claims directed to three (3) distinct species. The Examiner has required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner believes there are no generic claims. Applicant has been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

Election

In response to the Examiner's requirement, Applicant elects **Species III, Fig. 6** for examination on which claims 8-10 are readable with traverse set forth below.

Traversal of the Restriction Requirement with Statement of Substance of the Interview

Applicant thanks the Examiner for the courteous telephonic interviews on August 31 and September 1, 2005. The Statement of Substance of the Interviews is as follows:

Applicant's representative contacted the Examiner on August 31, 2005 to discuss the Restriction Requirement. Specifically, it was indicated that the restriction requirement is improper as it excludes claims 11-20. It was further indicated that claims 11-20 can not be read from the Species I to III. The Examiner agreed to review the Restriction Requirement.

Applicant's representative contacted the Examiner on September 1, 2005 with respect to the Restriction Requirement. The Examiner agreed that claims 11-20, exemplary embodiment of which is depicted in Fig. 9, cannot be read from the Species I to III, and should be indicated as a separate Specie IV. The Examiner indicated that Applicant's representative can elect Specie IV and requested that this oversight is made of record in response to the Restriction Requirement.

Accordingly, Applicant respectfully elects claims 11-20 for prosecution on the merits.

Conclusion

Applicant submits that if any of the elected claims are found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

Applicant reserves the right to file a Divisional Application directed to non-elected claims.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

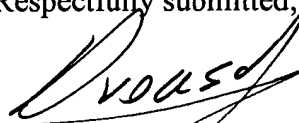
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23373

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Respectfully submitted,



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Date: September 2, 2005

Attorney Docket No.: Q76217